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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,008	06/27/2003	Brett Error	32021-08054	8329

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EXAMINER
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PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/609,008

Applicant(s)

ERROR ET AL.

Examiner

Kavita Padmanabhan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21, 33-42 and 54-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21, 33-42, and 54-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/21/06, 9/11/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

1. Claims 12-21, 33-42, and 54-63 are pending.
2. Claims 12-21, 33-42, and 54-63 are rejected.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 54-63** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 54** recites a computer program product comprising a computer-readable medium and computer program code. Based on par [0127] and [0129] of applicant's specification, it appears that the computer-readable medium is not limited to a computer-readable storage medium and could comprise a signal per se, which is not statutory subject matter. **Claims 55-63** are similarly rejected based on their dependence of claim 54.

The examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 12-21, 33-42, and 54-63** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kasriel et al.** (US2003/0128231, hereinafter “Kasriel”).

In regards to **claim 12**, **Kasriel** teaches a computer-implemented method for capturing and presenting node sequence data, comprising:

- receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card (**Kasriel; par [0033], par [0035]**);
- retrieving, from a stored log, a plurality of records comprising node sequence data (**Kasriel; par [0019], par [0023], par [0027], lines 5-13; par [0039]**);
- filtering the retrieved records to identify records corresponding to node sequences that match the target path (**Kasriel; pars [0038]-[0039]**); and
- outputting a report based on the identified records (**Kasriel; par [0021], par [0037], lines 5-11, par [0039]**).

In regards to **claim 13**, **Kasriel** teaches the method of claim 12, wherein the node sequence data comprises website visitation path data, and wherein each node corresponds to at least one web page (**Kasriel; par [0019], par [0021]**).

In regards to **claim 14**, **Kasriel** teaches the method of claim 13, further comprising, prior to retrieving the plurality of records:

- monitoring web page visits (**Kasriel; par [0019], pars [0038]-[0039]**); and
- storing, in the log, records representing the monitored web page visits (**Kasriel; par [0019], par [0023], par [0027], lines 5-13**).

In regards to **claim 15**, **Kasriel** teaches the method of claim 12, wherein the target path comprises a node corresponding to an entry point (**Kasriel; par [0033], par [0035]**).

In regards to **claim 16**, **Kasriel** teaches the method of claim 12, wherein the target path comprises a node corresponding to an exit point (**Kasriel; par [0033]**).

In regards to **claim 17**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences (**Kasriel; pars [0021] – [0022], par [0037], lines 5-11**).

In regards to **claim 18**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences that match the target path (**Kasriel; pars [0021] – [0022], par [0037], lines 5-11, par [0039]**).

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In regards to **claim 19**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a graph including lines depicting node sequences, wherein a visual characteristic of the lines indicates relative frequency of occurrence of node sequences (**Kasriel**; pars [0020] – [0022], par [0037], lines 5-11; please also see 2003/0131097, par [0030] – [0031], which has been incorporated by reference into **Kasriel**, for more detail).

In regards to **claim 20**, **Kasriel** teaches the method of claim 19, wherein the visual characteristic is thickness (**Kasriel**; par [0037], lines 5-11; please also see 2003/0131097, pars [0030] – [0031], which has been incorporated by reference into **Kasriel**, for more detail).

In regards to **claim 21**, **Kasriel** teaches the method of claim 19, wherein the visual characteristic is color (**Kasriel**; pars [0020] – [0022], par [0037], lines 5-11; please also see 2003/0131097, par [0030] – [0031], which has been incorporated by reference into **Kasriel**, for more detail).

**Claims 33-42** are rejected with the same rationale given for claims 12-21, respectively.

**Claims 54-63** are rejected with the same rationale given for claims 12-21, respectively.

### ***Response to Amendment***

7. The Supplemental IDS filed on 9/11/06 appears to cure the deficiencies of the IDS that was filed on 1/12/04, and has therefore been considered by the examiner. The IDS filed on 7/21/06 has also been considered.

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8. Applicant's amendments filed 9/11/06 with respect to the objections to the specification have been fully considered. The corresponding objections have been withdrawn accordingly.

9. Applicant's amendments filed 9/11/06 with respect to the objections to the drawings have been fully considered. The corresponding objections have been withdrawn accordingly.

### *Response to Arguments*

10. Applicant's arguments filed 9/11/06 with respect to the 35 U.S.C. 101 rejections have been fully considered but they are not persuasive. The applicant argues that functional descriptive material recorded on a computer-readable medium is statutory. However, the examiner asserts that the rejected claims do not limit the computer readable medium to a computer readable storage medium and the applicant's specification at par [0127] and [0129] still appears to allow the computer-readable medium to consist of a signal per se, which is not currently deemed statutory.

11. Applicant's arguments filed 9/11/06 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues at page 14 of applicant's remarks that Kasriel does not teach the concept of a wild card. The examiner respectfully disagrees. The examiner first notes that the applicant's specification at par [0048] states, "wild cards match any page." The examiner asserts that Kasriel at par [0035] provides an example wherein a user may request "all accesses to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'page A', and visited 'page B or C'." This clearly teaches the concept of a wildcard as described by the applicant.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., target path can be specified including a sequence of required pages and allowing for additional pages to be visited at specific points on the path but not at other points on the path; specific target path can be defined, along with an indication as to where (and how many) intervening nodes are permitted to appear) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, regarding the example provided by the applicant at page 14 of applicant's remarks, the examiner asserts that the alleged differences between this example and the teachings of Kasriel also do not appear to be reflected in the applicant's claims.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Assistant Examiner  
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KP  
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December 5, 2006

  
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